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REMARKS

Claims 1-27 are pending in this application. Claims 1, 2, 5, 6, and 7 were rejected under 35 U.S.C. 102(e) as being anticipated by Naveh. Claims 3, 4 and 8-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Naveh in view of Schofield. The Office also asserts that certain terminology in the claims is not supported by the provisional application to which priority is claimed. Claims 1-3, 4-9, 11-16, 18-20, 22-24, and 26-27 are currently amended.

Reconsideration and further examination are respectfully requested.

With regard to the rejection under 35 U.S.C. 119 based on use of "high-level" and "lower-level" to describe user communication requirements and network services, respectively, Applicant has removed those terms from the claims. Further, both the Title and the claims have been amended to more clearly use the terms from the provisional application. For example, the provisional application states at pp. 1-2 that ASON brings more agility to the optical networks by moving from manual provisioning to **automatic provisioning** via switching and signaling. Further, at page 4 of the provisional application it is stated that OSA requests switched optical paths, and operates **based on service requirements**. Withdrawal of rejection based on 35 U.S.C. 119 is therefore requested.

With regard to the 102 and 103 rejections, The presently claimed invention distinguishes the cited references because network services are dynamically and automatically provisioned based on user application requirements. Naveh describes use of Quality of Service ("QoS") in a network. QoS is a technique for prioritizing the processing of traffic. Generally, higher priority traffic is processed before lower priority traffic. However, **QoS is not a technique for provisioning services**. For example, an enterprise application might be temporarily provisioned with 10 Gbps between two endpoints in order to move data for backup. Theoretically (because

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QoS processing would be impractical at typical WDM optical transport rates), QoS could be applied to that data transfer by an intermediate node, but only after the path had first been provisioned. The presently claimed invention is a technique for provisioning network services based at least in-part on user application requirements. As described in the Background at page 2, provisioning of high bandwidth services at the network core has traditionally been a slow, costly, manual operation. One of the reasons that optical pathway provisioning has not been automated is that Service Providers are reluctant to expose information or control of their networks to customers. The present application describes a technique for interfacing a customer with the Service Provider in a manner which permits automated provisioning without necessarily exposing significant network information and control to the customer. Some examples of such service provisioning are described in the provisional application at pages 4-5 under the bold face type headings **BW Allocation Monitor**, **Advanced reservation/Time of day**, and **Bandwidth Broker/Auction**. Because Naveh fails to teach provisioning network services based on user application requirements, all of the claims are allowable. Withdrawal of the rejections of claims 1-27 is therefore requested.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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